

As alleged in the Director's Verified Complaint filed in this matter and in the accompanying Brief in Support, BD has been operating the Facility in violation of the Georgia Air Quality Act, O.C.G.A. §§ 12-9-1 through 12-9-25 (the Act), the Rules for Air Quality Control promulgated thereunder, Ga. Comp. R. & Regs. 391-3-1-.01

through 391-3-1-.15 (the Rules), and Air Quality Permit Number 3841-217-0021-S-04-0 (the Permit) issued to BD by the Director on December 27, 2018. The continued operation of the Facility, without assurance satisfactory to the Director, leaves the public open to unnecessary risk of exposure to ethylene oxide, a known carcinogen, and the potential harm of exposure. This Court has the authority to enjoin these actions pursuant to O.C.G.A. §12-9-12.

Specifically, the Director respectfully requests that this Court enter an order preliminarily restraining and enjoining BD from operating its Facility or conducting any sterilization of medical devices at the Facility until such time as the Court makes a final ruling as to the merits of the Director's claims raised in the Verified Complaint.

Respectfully submitted this 21<sup>st</sup> day of October, 2019.

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